

REMARKS

In the Office Action,¹ the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2006/0240779 to Rostami et al. ("Rostami"); and rejected claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Rostami in view of U.S. Patent 7,263,333 to Roberts ("Roberts").

Applicant amends claims 1-5 and adds new claims 6-8. Claims 1-8 are pending in the application.

Applicant respectfully traverses the rejections under 35 U.S.C. §§ 102 and 103. Rostami is not prior art against this application.

In order to qualify as prior art against this application under 35 U.S.C. § 102(e), Rostami must have been "filed . . . before the invention by the applicant for patent." 35 U.S.C. § 102(e). Rostami was filed on April 22, 2005. Applicant's foreign priority claim, however, extends to January 21, 2005.

Moreover, because Rostami does not qualify as prior art under 35 U.S.C. § 102(e), Rostami cannot support a rejection under 35 U.S.C. § 103.

Pursuant to 37 C.F.R. § 1.55, an English language translation of the Foreign Priority Document, JP2005-014608, along with a signed Statement of Accurate Translation are enclosed.

Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102 and 103.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

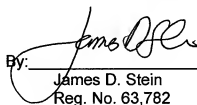
In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 27, 2009

By: 
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202.216.5118

Attachments:

(1) English language translation of Foreign Priority Document JP2005-014608 with signed Statement of Accurate Translation.